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20 QUIKSILVER, INC.

21 UNITED STATES DISTRICT COURT

22 FOR THE NORTHERN DISTRICT OF CALIFORNIA

23 LEVI STRAUSS & CO.,

24 Case No. 11 1177 EJD

25 Plaintiff,

26 **STIPULATION OF DISMISSAL WITHOUT
27 PREJUDICE; [PROPOSED] ORDER**

28 v.

QUIKSILVER, INC.,

Defendant.

The parties, by their respective counsel and pursuant to Federal Rule of Civil Procedure 41(a)(2), stipulate that this action be and hereby is dismissed without prejudice. Each party shall bear its own costs and attorneys' fees.

Respectfully submitted,

DATED: October 5, 2011

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Gia Cincone
GIA CINCONE

Attorneys for Plaintiff
LEVI STRAUSS & CO.

DATED: October 5, 2011

O'MELVENY & MYERS LLP

By: /s/Ryan Padden
RYAN PADDEN

Attorneys for Defendant
QUIKSILVER, INC.

IT IS SO ORDERED. The Clerk shall close this file.

DATED: October 7 , 2011


HON. EDWARD J. DAVILA
United States District Court Judge

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